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March 28, 2012

FILED/ACCEPTED ORIGINAL

MAR 28 2012

Federal Communications Commission  
Office of the Secretary

Ms. Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: WC Docket No. 10-90  
Section 54.313 Filing of Hardy Telecommunications, Inc. (CLEC)**

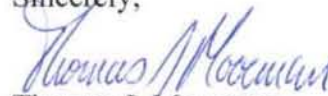
Dear Ms. Dortch:

On behalf of Hardy Telecommunications, Inc. (CLEC) (the "Company"), attached hereto is the Company's proposed plan filed in response to the requirements of Section 54.313 of the Commission's Rules as clarified in paragraphs 6-14 of action by the Commission taken on February 3, 2012. *See In the Matter of Connect America Fund, et al., Order*, WC Docket No. 10-90, *et al.*, DA 12-147, released February 3, 2012 at paras. 6-14; 47 C.F.R. §54.313.

A copy of the attached filing is also being provided this day to Universal Service Administrative Company at its Washington, D.C., offices and is being overnighted to the Public Service Commission of West Virginia today.

Please acknowledge receipt on the duplicate "stamp and return" document attached for this purpose. All correspondence and inquiries concerning this filing should be addressed to the undersigned.

Sincerely,



Thomas J. Moorman

Counsel to

Hardy Telecommunications, Inc. (CLEC)

cc: Ms. Karen Majcher, Universal Service Administrative Company  
Ms. Sandra Squire, Executive Secretary, Public Service Commission of West Virginia

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**Section 54.313 Report of  
Hardy Telecommunications, Inc. (CLEC Division)  
Status – Competitive Local Exchange Carrier  
Study Area Code: 209009**

**Filing Deadline – April 1, 2012**

Pursuant to the requirements of 47 C.F.R. §54.313 as clarified by the Federal Communications Commission (the “Commission”) (*see In the Matter of Connect America Fund, et al., Order*, WC Docket No. 10-90, et al., DA 12-147, released February 3, 2012 (the “*Clarification Order*”), Hardy Telecommunications, Inc. (CLEC Division) (the “Company”), a competitive local exchange carrier operating in rural areas of the State of West Virginia, hereby provides the following information. Should requests for additional information be made by the Commission, the Company is willing to work with the Commission to address such requests.

- A. Progress report on its five-year service quality improvement plan pursuant to §54.202(a), including maps detailing its progress towards meeting its plan targets, an explanation of how much universal service support was received and how it was used to improve service quality, coverage, or capacity, and an explanation regarding any network improvement targets that have not been fulfilled in the prior calendar year. The information shall be submitted at the wire center level or census block as appropriate. (47 C.F.R. §54.313(a)(1))**

Pursuant to the *Clarification Order* at paragraph 7, the Company will continue “to file a service quality improvement plan or annual updates” with the West Virginia Public Service Commission (“WVa PSC”) as required by the WVa PSC. *Clarification Order* at para. 7. Accordingly, the Company “is not required to send a copy to the Commission.”

- B. Detailed information on any outage in the prior calendar year, as that term is defined in 47 CFR 4.5, of at least 30 minutes in duration for each service area in which an eligible telecommunications carrier is designated for any facilities it owns, operates, leases, or otherwise utilizes that potentially affect (i) At least ten percent of the end users served in a designated service area; or (ii) A 911 special facility, as defined in 47 CFR 4.5(e). (47 C.F.R. §54.313(a)(2))**

The Company is required to file information similar to the requested information in the referenced Commission rule with the WVa PSC by no later than July 1, 2012. Accordingly, pursuant to paragraph 10 of the *Clarification Order*, the Company reports the following information that is compliant with that required by the WVa PSC’s requirements.

The Company reports that it had one such outage during calendar year 2011. On July 22, 2011 at approximately 12:35 p.m., the Company experienced a major failure of its telephone service that affected all of its approximately 928 customers. During the outage no out-going or incoming local exchange traffic or telephone toll traffic was sent or received. At 2:20pm, approximately 807 of the customers were restored, and by 5:15 p.m., the last, affected subscriber was restored to service. Within minutes of the failure, the local PSAP, Hardy County Office of Emergency Management, and the Hardy County Courthouse were notified via cell phone and two-way radios. With the help of the technicians from the Company’s switch vendor, the

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Company determined that a network switch had overheated, and instead of shutting down, it started to flood the entire network with erroneous call-related control messaging, resulting in the switch stopping all incoming and outgoing traffic. The technicians were able to isolate the problem, and have since written and installed the necessary software to avoid this situation in the future.

- C. The number of requests for service from potential customers within the recipient's service areas that were unfulfilled during the prior calendar year. The carrier shall also detail how it attempted to provide service to those potential customers. (47 C.F.R. §54.313(a)(3))**

The Company is required to file information similar to the requested information in the referenced Commission rule with the WVa PSC by no later than July 1, 2012. Accordingly, pursuant to paragraph 10 of the *Clarification Order*, the Company reports the following information that is compliant with that required by the WVa PSC's requirements.

To the best of my information and belief, there were no unfilled requests for service received by the Company during calendar year 2011.

- D. The number of complaints per 1,000 connections (fixed or mobile) in the prior calendar year. (47 C.F.R. §54.313(a)(4))**

The Company is required to file information similar to the requested information in the referenced Commission rule with the WVa PSC by no later than July 1, 2012. Accordingly, pursuant to paragraph 10 of the *Clarification Order*, the Company reports the following information that is compliant with that required by the WVa PSC's requirements.

The Company provides the following good faith estimates of the complaints received by it in calendar year 2011. The Company received no formal complaints from the WVa PSC, nine (9) informal complaints, and 114 trouble tickets from customers regarding its local exchange service in calendar year 2011, all of which the Company believes were resolved to the satisfaction of the customer and the Company. As a result, the Company received on average approximately 9.27 complaints/trouble tickets per month per 1000 access lines.

- E. Certification that it is complying with applicable service quality standards and consumer protection rules. (47 C.F.R. §54.313(a)(5))**

The Company is required to file information similar to the requested information in the referenced Commission rule with the WVa PSC by no later than July 1, 2012. Accordingly, pursuant to paragraph 10 of the *Clarification Order*, the Company reports the following information that is compliant with that required by the WVa PSC's requirements.

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I hereby certify that, to the best of my information and belief, the Company is complying with applicable service quality standards and consumer protection rules set forth by the Commission within its rules and regulations.

**F. Certification that the carrier is able to function in emergency situations as set forth in §54.202(a)(2). (47 C.F.R. §54.313(a)(6))**

The Company is required to file information similar to the requested information in the referenced Commission rule with the WVa PSC by no later than July 1, 2012. Accordingly, pursuant to paragraph 10 of the *Clarification Order*, the Company reports the following information that is compliant with that required by the WVa PSC's requirements.

I hereby certify that, to the best of my information and belief, the Company is able to continue to operate its network during emergency situations through sufficient battery power/generator back-up. A description of the Company's current network emergency power back-up capability is provided in Attachment A, hereto

**G. A listing of the carrier's price offerings in a format as specified by the Wireline Competition Bureau. (47 C.F.R. §54.313 (a)(7))**

The Company is waiting further instructions from the Commission's Wireline Competition Bureau regarding the filing of this information.

**H. Report of the carrier's holding company, operating companies, affiliates, and any branding (a "dba," or "doing-business-as company" or brand designation), as well as universal service identifiers for each such entity by Study Area Codes, as that term is used by the Administrator. For purposes of this paragraph, "affiliates" has the meaning set forth in section 3(2) of the Communications Act of 1934, as amended (47 C.F.R. §54.313 (a)(8))**

Pursuant to paragraph 12 of the *Clarification Order*, the Company will await further instructions from the Commission's Wireline Competition Bureau regarding the filing of this information. See *Clarification Order* at para. 12.

**I. A full and complete annual report of the company's financial condition and operations as of the end of the preceding fiscal year, which is audited and certified by an independent certified public accountant in a form satisfactory to the Commission, and accompanied by a report of such audit. The annual report shall include balance sheets, income statements, and cash flow statements along with necessary notes to clarify the financial statements. The income statements shall**



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**itemize revenue, including non-regulated revenue, by its sources. (47 C.F.R. §54.313 (f)(2))**

Pursuant to paragraph 13 of the *Clarification Order*, the Company will await further instructions from the Commission's Wireline Competition Bureau regarding the filing of this information. See *Clarification Order* at para. 13.

**J. A report all of the carrier's flat rates for residential local service, as well as state fees as defined pursuant to § 54.318(e) of this subpart. Carriers must also report all rates that are below the local urban rate floor as defined in § 54.318 of this subpart, and the number of lines for each rate specified. Carriers shall report lines and rates in effect as of January 1. (47 C.F.R. §54.313 (h))**

The Company is waiting further instructions from the Commission's Wireline Competition Bureau regarding the filing of this information.

**CERTIFICATION**

I, D. Scott Sherman General Manager & Chief Executive Officer of Hardy Telecommunications, Inc. (CLEC Division) (the "Company"), do hereby declare under penalties of perjury that I have read the foregoing, and that the information contained therein regarding the Company is true and accurate to the best of my knowledge, information, and belief.



D. Scott Sherman  
General Manager & Chief Executive Officer

Date: March 27, 2012

**Attachment A**  
**to**  
**Section 54.313 Report of**  
**Hardy Telecommunications, Inc. (CLEC Division)**  
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**Emergency Operations Capability**

The Company provides the following information regarding its central office back-up battery and generator capability during electricity failures within its operating areas. The Company has deployed battery back-up power in its central office that will produce an estimated twenty (20) hours of back-up power for the Company's central office. The initiation of the Company's battery back-up capability is triggered instantaneously of the network identifying the existence of a loss of power.

The Company also has a back-up natural gas generator that is available at its central office should it be necessary. The generator would provide 152 hours of back-up power capability. Since the availability of fuel at the location is not an issue, the generator would provide sufficient power absent some unforeseen breakdown of it. Based on current contingency preparation plans, the Company estimates that the necessary generator-provided back-up power capability can be deployed and functioning within a minute of the identification of its need, well within the time frame of the estimated battery power back-up capability possessed by the Company. In addition, the Company has two portable generators that can be moved to the necessary site(s). The following is a listing of remotes with the appropriate back-up battery capability:

<b>Remote Name</b>	<b>Battery Run Time</b>
Cold Spring	75 hours
Elizabeth Station	147 hours
Hardy County Courthouse	16 hours
Harness	80 hours
Moorefield Tower	16 hours
Old Fields	84 hours
Old River Road	800 hours
Scott	12 hours
Taylor	12 hours
Wardensville Tower	16 hours
Wichael	12 hours

**Attachment A**  
**to**  
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Absent catastrophic failure of the network or elements of it, the Company has the capability to engage in some re-routing of traffic based on what facilities are damaged. While the Company has engineered its network based on accepted industry engineering practices, changing call routing may, to some extent, permit the Company to manage traffic patterns throughout its network during emergency situations.